Fairfax Policeman Said to Offer CIA Burglary Data

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By Jay Mathews
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A man who says he is one of the Fairfax City policemen who participated in a CIA-led break-in at a Fairfax County business office in 1971 is seeking immunity from federal prosecutors in order to testify about the case, sources close to the investigation said yesterday.

The sources said the man, whose name could not be learned last night, wants to testify on the role played by him, his fellow police officers and superiors and CIA agents in the overnight break-in first revealed by the Rockefeller commission report released this week.

A lawyer, whose name also could not be learned, approached federal prosecutors four to six weeks ago—long before the news of the break-in became public—and said he had a client who wished to testify about possible violations of the civil rights laws, the sources said.

"He said his client had got religion in the wake of Watergate and wanted to open up about himself, his superiors and the people at CIA," one source said.

In its 299-page report released Tuesday, the Rockefeller commission called the Fairfax break-in the only "instance (that) has been discovered where local police actively participated in a CIA operation."

"In 1971," the report said, "three police officers from the Fairfax City police department accompanied Office of Security (CIA) personal while they surreptiously entered a business establishment in Fairfax, at night, without a warrant, to photograph some papers."

Asked about the report Tuesday, Murray Kutner, Fairfax City police chief in 1971, said he knew nothing of the incident. "I think they're getting us mixed up with Fairfax County," he said Tuesday.

Fairfax County police officials have denied knowledge of the incident, and Kutner could not be reached for further comment last night.

Sources close to the federal investigation said prosecutors are awaiting clearance from the Justice Department's civil rights division before beginning negotiations on immunity.

Yesterday, Fairfax City Mayor Nathaniel Young said he expects the seven-member City Council would discuss the Rockefeller report and a possible city investigation of the alleged break-in at the Council's regular meeting Tuesday.

City Manager George Hubler said he had given Council members copies of passages in Rockfeller report that refer to Fairfax City.